

REMARKS

Reconsideration of the application as amended is respectfully requested. The Examiner has restricted examination of claims 1-47 in this application. Specifically, the Examiner restricted claims 1-43 to Invention I as being drawn to methods and apparatus for measuring physiological parameters, and claims 44-47 to Invention II, drawn to a method of assessing changes in volume and osmolarity of body fluids. In addition, the Examiner has indicated the Invention I claims patentably distinct species: Species A drawn to tissue water fraction as the physiological parameter, Species B drawn to oxygen saturation as the physiological parameter, and Species C drawn to fraction drawn to fractional hemoglobin concentration as the physiological parameter.

Although Applicants do not necessarily agree with the Examiner's reasons for restriction, Applicants elect to prosecute claims 1-43 of Invention I, and Species A. Therefore, Applicants have canceled claims 44-47 without prejudice for possible inclusion in a divisional application. This election is made without traverse. Applicants have also withdrawn claims 40-43 as being directed toward an unelected specie. Applicants believe that the remaining claims are directed to the elected Species A.


If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

General Authorization for Extensions of Time

In accordance with 37 C.F.R. § 1.136, Applicants hereby provide a general authorization to treat this and any future reply requiring an extension of time as incorporating a request therefor. Furthermore, Applicants authorize the Commissioner to charge the appropriate fee for any extension of time to Deposit Account No. 06-1315; Order No. TYHC:0143 / FLE / P0277R-02.

Respectfully submitted,

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